

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

R&B – Settlement of Arbitration – WP No.8404/2009 – Heavy Periodic Maintenance to and making up deficiencies from KM 25/121 to KM 61/295 of Erpedu – Chennur road in Nellore District – Final settlement to Smt. B.Sanjeevamma, legal heir of Late Sri B.Balaiah, Contractor – Consolidated payment of Rs.1.65 crores – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (R.IV) DEPARTMENT

G.O.Rt.No. 665

Dated: 13-07-2010.

Read the following:

1. G.O.Rt.No. 1424, TR&B Department, dt. 16-10-2007.
2. Orders of the Hon'ble High Court of AP, dt. 30-4-2009
3. Minutes of the Meeting of Arbitration Committee held on 19-12-2009 in the Chambers of Prl. Secretary to Government, R&B Department.
4. From the CE (R&B) CRN & MD, APRDC, Lr.No. APRDC APERP / EC / DCE II / DEE II / AEE 16 / 2010, Dt. 14-5-2010.

ORDER

Government have constituted a Committee for attempting an amicable settlement of Arbitration Matters pending in the courts pertaining to Roads & Buildings Department in the reference 1st read above.

2. The Hon'ble High Court of AP in its order dt. 30-4-2009 in WP No. 8404/2009 has directed the department to comply with the Adjudication Award dt. 27-1-2005 and pay the amounts within four months to Sri B. Balaiah, Contractor. The W.A No. 1086/2009 was filed by the department on 20-8-2009 against the order in WP No. 8404/2009. The Hon'ble High Court has directed the claimant to approach the Prl.Secretary, TR&B for conciliation and disposed of the WA by directing Principal Secretary, TR&B to make an effort to conciliate and settle the claim within a period of three months and the Govt. had agreed to the process of conciliation by Prl.Secretary, TR&B on 9.10.2009.

3. Keeping in view of the orders of the Hon'ble High Court of AP Government through the Committee has attempted to settle the matter amicably i.e., through negotiations with Smt. Sanjeevamma, legal heir of late Sri B. Balaiah, Contractor.

4. Smt. B.Sanjeevamma, legal heir of late Sri B.Balaiah had represented on 10.9.09 that she is eligible to receive Rs.1,75,78,655/- as principle amount and Rs.1,58,20,799/- towards interest @ 12% out of which she is ready to forego considerable amount provided the amount is settled immediately as out of court settlement.

5. Government after careful examination of the matter, and keeping in view of the orders of the Hon'ble High Court of AP, hereby settle the matter in the interest of Government and the Contractor / Claimant to amicably resolve the long pending dispute by paying negotiated lumpsum amount of Rs.1,65,00,000/- (Rupees One crore sixty five lakhs only) towards final settlement in WP No. 8404/2009 for the work " Heavy Periodic Maintenance to and making up deficiencies from Km 25/121 to Km 61/295 of Erpedu – Chennur Road in Nellore District " to Smt. B. Sanjeevamma, legal heir of Late Sri B. Balaiah, Contractor / Claimant.

(PTO)

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6. The amount sanctioned in para above towards final settlement to the contractor shall be debited to the "5054-COL Roads and Bridges - 04-District and other Roads -MH-800-Other Expenditure -GH(11)-Normal State Plan - SH(19)-Road Development Works under APERP - 530-Major works - 531 - Other Expenditure" and shall be met by way of reappropriation from the Budget Estimate 2010-11.

7. The Chief Engineer (R&B) Core Road Network & Managing Director, Andhra Pradesh Road Development Corporation is requested to take immediate necessary action in the matter and see that the case is disposed off in the Hon'ble High Court of AP and for making payment.

8. This order issues the concurrence of Finance Department vide their U.O.No. 016306 / 444 / A2 / Expr.PWD/10, dt. 03-07-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D. LAKSHMI PARTHASARATHY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Engineer (R&B) Core Road Network & Managing Director, Andhra Pradesh Road Development Corporation
The Accountant General, AP, Hyderabad.
The Director of Works Accounts, Hyderabad.
The District Treasury Officer, Nellore.
The Finance (Expr.PW) Department.
The PS to M(R&B)
The PS to Prl. Secretary to Government, TR&B Department.
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER